

REMARKS

This Amendment is submitted in response to the Office Action mailed on April 24, 2006. With this Amendment, claims 1, 2, 4, 6, 9, 10, 12, 17, 20, 26, 28, 33, 35 and 37 are amended.

In the Office Action claims 1, 4, 7, 8, 33, 37, 40 and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lock et al. (U.S. 5,451,235). Claims 1 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Khairkhahan et al. (U.S. 2002/0111647 A1). Also, claim 4 was rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Khairkhahan et al.

Additionally, claims 6, 14 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lock et al. in view of Schneidt (U.S. 6,174,322), and claims 9-12, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lock et al.

Finally, in the Office Action claims 2, 3, 6, 17 and 19-32 were allowed and claims 5, 10, 11, 13, 35, 36 and 38 were objected to but indicated as being allowable over the prior art of record.

Independent claim 1 has been amended to clarify that the invention is an occlusion device comprising: a left side having a first set of arms; a right side having a second set of arms, wherein the right side is spaced apart from and connected to the left side; and a self centering mechanism which is laterally expandable to fill a defect, the mechanism comprising at least three rings located between the left and right sides wherein: a first ring is connected to the left side; a second ring is connected to the first ring; and a third ring is connected to a second ring and to the right side. Independent claims 6, 9 and 33 have also been amended to clarify that the self centering mechanism is capable of lateral expansion to fill the defect.

Unlike Lock or Khairkhahan “the design of the self centering mechanism 40 allows the mechanism 40 to expand and to uniformly occlude the space between the center post 38 and the perimeter of the defect 24.” (P. 7, ll. 2-4.) “By uniformly filling the defect 24, the self centering mechanism 40 can keep the center post 38 in the center of the defect 24.” (P. 7, ll. 4-6.) “Because the center post 38 remains centered, the upper and lower sides 34, 36 of the device 40 remains properly positioned.” (P. 7,

Independent claims 6, 9 and 33 have also been amended to clarify that the self centering mechanism is capable of lateral expansion to fill the defect.

The prior art of record, including Lock, Khairkhahan, and Schneidt, fails to teach or render obvious the present invention as clarified. Therefore, independent claims 1, 6, 9 and 33 are not anticipated or obvious, and the rejections under §102(b) and/or 103(a) are overcome. Since claim 3 depends from claim 2; claims 4, 5, 7 and 8 depend from claim 1; claim 19, 23 and 24 depend from claim 17; claim 21 depends from claim 20; and claims 35-41 depend from claim 33; claims 3, 4, 5, 7, 8, 19, 23, 24, 21 and 35-41 are not anticipated or obvious.

In addition, claims 2, 10, 17, 26 and 35 have been amended to clarify that sutures are used to connect the rings at suture locations, and claims 4, 12, 20, 28 and 37 have been amended to clarify that heating laminating is used to connect the rings at laminated locations. Also, claims 10, 12, 26 and 28 have been amended to clarify that heat laminating or sutures are used to connect the first ring to a left side of the occlusion device, the second ring to the first ring, the second ring to the third ring and the third ring to a right side of the occlusion device.

With the above amendments and discussion, the application is now in condition for allowance, and notice to that effect is requested.

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Application No.: 10/666,080

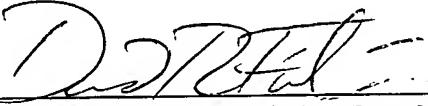
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The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

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